THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.2772 OF 2007

Dated 13-03-2007

Between:
B.C.Venkat Reddy

…Petitioner

And

The Regional Transport Officer, Kadapa.

…Respondent

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.2772 OF 2007

ORDER:

Petitioner holds pucca permit to operate a bus in the route from Modampalli to Chodur, in Kadapa District. He applied for pucca variation of the route, almost in the form of an extension from Chodur to Jammalamadugu *via* Kakireni Palli and Sheshareddy Palli. Pending consideration of the pucca variation, he was granted temporary variation on that route.

After some time, the road on the extended route is said to have got damaged. Therefore, the petitioner applied for the variation of the same, in such a way, as to ply the bus from Chodur to Jammalamadugu *v i a* Salevandla, instead of Kakireni Palli and Sheshareddy Palli. The petitioner had to approach this Court by filing W.P.No.28504 of 1997, when the necessary steps as to the variation were not complied with. On the strength of an interim order granted in W.P.M.P.No.33204 of 1997, the
petitioner is operating on the deviated route. The writ petition was dismissed on 28-12-2006, on the ground that the application for pucca variation from Chodur to Jammalamadugu *via* Kakireni Palli and Sheshareddy Palli was rejected on 01-09-1997.

With the dismissal of the writ petition, the temporary variation granted *via* Salevandla was also cancelled. Petitioner states that he applied for a pucca permit afresh, from Chodur to Jammalamadugu *via* Salevandla on 02-02-2007, and that he also filed an application for

temporary permit. His grievance is that the respondent is not taking any action and thereby, he was prevented from operating the bus on the portion of the route, and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The very basis for granting temporary variation in favour of the petitioner was, the pendency of his application for pucca variation. When the application for pucca variation is rejected, the one, for temporary variation has no independent legs to stand. Therefore, no exception can be taken to the action of the respondent in canceling the temporary variation, in favour of the petitioner from Chodur to Jammalamadugu *via* Salevandla.

The petitioner made an application for grant of pucca variation from Chodur to Jammalamadugu *via* Salevandla. He also applied for temporary variation for the same route. Though it is permissible under the Motor Vehicles Act to apply for pucca and temporary variation separately, this Court is of the view that the parameters for consideration thereof, in the present context, would almost be similar. The matter can be resolved once for all, by considering the application for pucca variation itself.

For the foregoing reasons, the writ petition is disposed of, directing the respondent to dispose of the application submitted by the petitioner for pucca variation of the route from Chodur to Jammalamadugu *via* Salevandla, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.13-03-2007.

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